IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4055 of 2005

Between:

1 Peethala Raghavulu, S/o. Nookaraju, Hindu,
R/o. Pedasankarlapudi (V), Prathipadu Mandal, East

Godavari District.
2 Peethala Arjaiah, S/o. Vegullaiah, HIndu,
R/o. Pedasankarlapudi (V), Prathipadu Mandal, East

Godavari District.
3 Dokuburaa Raju, S/o. Veeraswamy, Hindu,
R/o. Pedasankarlapudi (V), Prathipadu Mandal, East

Godavari District.
4 Konduru Maridayya, S/o. Gangaiah, Hindu,
R/o. Pedasankarlapudi (V), Prathipadu Mandal, East

Godavari District.

..... PETITIONERS

AND

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1 District Collector, East Godavari District.
2 Revenue Divisional Officer, Peddapuram, East Godavari

District.
3 Mandal Revenue Officer, Prathipadu, East Godavari

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the action of the 1st respondent in not granting stay pending appeal filed against

order of the 2nd respondent in Ref.A.1222/2003 dt,20-5-2004 as illegal, arbitrary and violative of principles of natural justice and for a consequential order directing the respondents to drop all further proceedings including dispossession of the petitioners in respect of the land an extent of 0-72; 0-73; 0-45 and 0-55 cents respectively of the petitioners in Sy.No.160/1 in Plot Nos.89, 90, 91 and 92 situated in Pedasankarlapudi Village Prathipadu Mandal, East Godavari District.

Counsel for the Petitioners: MR.CH.DHANAMJAYA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioners, who are four in number, state that they were granted D-form Pattas to small extents of land situated in Sy.No.160/1 of Pedasankarlapudi Village, Prathipadu Mandal, East Godavari District, in the year 1988. Since then, they have been in possession and enjoyment of the same. While so, on the basis of a report submitted by the Mandal revenue Officer, the second respondent vide proceedings dated 20-5-2004 cancelled the pattas granted in favour of the petitioners, on the ground that the land granted under D-form pattas is completely rocky and terrain, and not fit for cultivation. Against the said order, the petitioners have preferred an

appeal before the District Collector, East Godavari District, the first respondent herein, and also sought for stay of the order dated 20-5-2004 passed by the second respondent. However, the first respondent failed to consider the same and no orders have been passed even in the stay application. It is alleged that in the meanwhile, the order of the second respondent dated 20-5-2004 is sought to be implemented and the petitioners are likely to be dispossessed. Hence, this writ petition.

Having heard the learned counsel for the petitioners and also the learned Government Pleader for Revenue appearing for the respondents, and keeping in view the statutory appeal is pending before the first respondent, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal pending on his file, as expeditiously as possible preferably within a period of three months, after following due process of law. Till such time, there shall be a direction to the respondents not to dispossess the petitioners from the land in question, in pursuance of the order dated 20-5-2004 passed by the second respondent.

With the above direction, the Writ Petition is disposed of. No costs.

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G. ROHINI, J.

3rd March, 2005

Note: CC by Monday.

B/o.

Js.

To

1 District Collector, East Godavari District.
2 Revenue Divisional Officer, Peddapuram, East Godavari

District.
3 Mandal Revenue Officer, Prathipadu, East Godavari

District.

4 Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

5 2 CD copies.